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PATENTS

IN THE UNITED STATES PATENTS AND TRADEMARK OFFICE

Applicant(s):	Nicholas K. Hayward, et al.	Examiner:	Unassigned
Serial No.:	09/907,007	Art Unit:	Unassigned
Filed:	July 17, 2001	Docket:	10441B
For:	A NOVEL GROWTH FACTOR AND A GENETIC SEQUENCE ENCODING SAME		
		Dated:	October 24, 2001

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice To File Missing Parts of Nonprovisional Application dated September 20, 2001 which indicated that the oath or declaration was missing in connection with the filing of the above-identified application, it is respectfully submitted that the required Declaration was in fact include in the papers which accompanied the filing of the application on July 17, 2001.

The subject application is a divisional application of U.S. Serial No. 08/765,588 which had an effective U.S. filing date of February 22, 1996. the inventors of the subject divisional application are identical to those identified in the parent application and the subject application contains no additional subject matter than that which was originally found in the parent application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on October 24, 2001.

Dated: October 24, 2001


Mishelle Mustafa

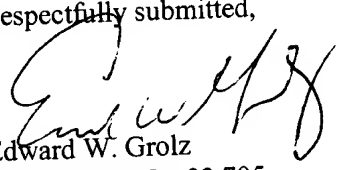
Under these circumstances, and in accordance with 37 C.F.R. §1.63(d)(1), a newly executed oath or declaration is not required in a divisional application, but rather merely a copy of the previously executed Declaration filed in connection with the parent application. In this regard, attached hereto is a copy of the postcard indicating the copy of the Declaration was filed, stamped and dated as having been received by the U.S. Patent and Trademark Office. For the Examiner's convenience, a further copy of the previously filed Declaration is attached as well.

Under the above circumstances, it is respectfully submitted that the Notice To File Missing Parts of Nonprovisional Application dated September 20, 2001 was issued in error, the copy of the executed Declaration from the parent application fulfills the requirement of the oath or declaration in the subject divisional application, and no oath or declaration surcharge should be required.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed, which set a deadline of November 20, 2001 for submitting the Declaration. Note that a faxed copy of the executed document can be filed to meet this deadline.

If you have any questions, please do not hesitate to contact our office.

Respectfully submitted,


Edward W. Grolz
Registration No. 33,705

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

EWG:yp

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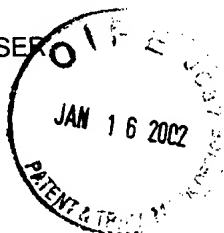
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/907,007	07/17/2001	Nicholas Kim Hayward	10441B

CONFIRMATION NO. 8056

FORMALITIES LETTER



OC000000006578508

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, NY 11530

Date Mailed: 09/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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DAVIES

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PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. New Utility Patent Application Transmittal (in duplicate)
2. New Utility Application (58 pages of specification to include claims; and abstract)
3. 52 sheets formal drawings
4. Check for \$1940.00
5. Copy of Declaration and Power of Attorney from parent case
6. Certificate of Express mail # EL895322243US
7. Preliminary Amendment
8. Request to Use Sequence Listing from Parent Application
9. Verification
10. Paper Copy

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Filed: Herewith
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